

# The Gazette of India

EXTRAORDINARY  
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NEW DELHI, WEDNESDAY, SEPTEMBER 10, 1947

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GOVERNMENT OF INDIA  
MINISTRY OF LAW

*New Delhi, the 10th September, 1947*

ORDINANCE NO. XVI OF 1947

AN  
ORDINANCE

to provide enhanced punishments for certain derelictions of duty by members  
of the Armed Forces

WHEREAS an emergency has arisen which makes it necessary to provide enhanced punishments for derelictions of duty by members of the Armed Forces when engaged in protecting from acts of violence passengers or goods being conveyed upon railways;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India Provisional Constitution) Order, 1947, the Governor-General is pleased to make and promulgate the following Ordinance:—

1 **Short title, extent and commencement.**—(1) This Ordinance may be called the Railways (Protection by Armed Forces) Ordinance, 1947.

(2) It extends to all the Provinces of India.

(3) It shall come into force at once.

2. **Enhancement punishments for derelictions of duty by members of Armed Forces in certain circumstances.**—It shall be an offence punishable under this Ordinance for any person subject to the Indian Army Act, 1911 (VIII of 1911), or the Indian Air Force Act, 1932 (XIV of 1932), whose duty for the time being it is to protect from acts of violence any passengers or goods being conveyed upon any railway, as defined in the Indian Railways Act, 1900 (IX of 1900), to fail in the proper performance of that duty; and notwithstanding anything to the contrary contained in that one of the aforesaid Acts to which he is subject but without prejudice to any other punishment to which he may be liable thereunder, such person shall be liable, on conviction for such offence by a summary general court-martial or a field general court-martial, as the case may be, to be punished with rigorous imprisonment for a term which may extend to ten years or, if on the occasion of this offence any loss of human life occurs, with death.

MOUNTBATTEN OF BURMA,  
*Governor-General*

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K. V. K. SUNDARAM,  
*Secy. to the Govt of India*

( 1101 )

